Opinion: Legislation could protect online reviewers

By Christopher Elliott, Washington Post

If you've never heard of a strategic lawsuit against public participation (SLAPP), consider yourself lucky.

I hadn't either until a knock at my door on a January evening seven years ago. A process server pushed an envelope into my hand. "You are being sued," a notice at the top of the document proclaimed. I felt my pulse quicken.

SLAPP lawsuits – which most often take the form of a defamation suit – are surprisingly common. They are meant to burden individuals with the cost of a legal defense until they stop their criticism. They affect travelers disproportionately, in large part because travelers' opinions have the power to raise the fortunes of a hotel or restaurant – or to put them out of business.

Last year, for example, roughly 2,500 TripAdvisor users removed their reviews because they were being harassed by businesses they had rated, according to the site. It's not known how many disrupted reviews resulted in lawsuits.

Read the whole story

Letter: Homeless coalition

thankful for help

To the community,

Tahoe Coalition for the Homeless would like to thank Harrah’s & Harveys Lake Tahoe for their support. In November, Harrah’s and Harveys employees collected supplies for the South Lake Tahoe Warm Room. This donation will help provide overnight refuge from the elements to individuals and families experiencing homelessness in the winter months.

The Warm Room will open at 7pm on Dec. 15 and plans to remain open through early April.

In addition to warm beds and light food and beverages, TCH provides access to social workers and resource referrals to assist our neighbors without housing with some of the challenges that they face.

Tahoe Coalition for the Homeless is looking for groups to run supply drives and for 2016-17 winter season. We can be contacted at tahoewarmroom@gmail.com or 775.573.0822. Donations are welcomed to aid in funding. Checks can be made payable to Tahoe Coalition for the Homeless and mailed to PO Box 13514, South Lake Tahoe, CA 96151 or online at tahoehomeless.org .

Sincerely,

Marissa Muscat, executive director

Editorial: Nevada land plan creates risks

Publisher's note: ***This editorial is from the Nov. 6, 2016, Reno Gazette-Journal.***

Rep. Mark Amodei, R-Nev., has started meetings to transfer millions of acres of public land in Nevada from the federal government to the state.

He is coming off an election win and, more importantly, he was Donald Trump's Nevada campaign manager through controversy and celebration. Now he may have the juice to finally realize his longtime dream of transferring land controlled by the Bureau of Land Management to the state of Nevada.

While this may bring control over the land closer to home, it will also put Nevada taxpayers at risk and decrease options for outdoor enthusiasts.

Read the whole story

Opinion: EDC's top lawyer got it wrong

By Larry Weitzman

El Dorado County officers are sworn to uphold the law, which includes following the federal and state Constitutions, the statutory and codified laws of the federal government and state of California and the various rules and regulations promulgated thereunder and the laws, regulations and

ordinances of our local jurisdictions when and as they perform their specified job. County counsel has a slightly different job. He is an advocate as well as an advisor.

An advocate is one who supports by argument and logic a position, in this case public policy or a legal position. But as a lawyer, a person must also advise his client as to all sides of an issue and argument, the current law with respect to policy and the pitfalls with respect to taking certain positions. Is our county counsel advising accordingly? When it comes to the law, politics are supposed to be removed from the equation.



Larry Weitzman

Through the California Public Records Act, several documents were acquired including the response letter from our newly appointed county counsel, Mike Ciccozzi, to an inquiry from CalPERS questioning the contract of then interim Chief Administrator Officer Larry Combs as to whether the contract was in compliance with the California laws against double dipping, specifically code sections 21221(h) and 21224.

These code sections create two issues for the Combs contract that was prepared by the county counsel. First, was it executed without an open recruitment for a new permanent CAO being under way and did the contract have a specific end date?

Ciccozzi's six-page letter to CalPERS dated March 1, 2016, admits that the law specifies that a recruitment (for a new, permanent CAO) needs to have begun before the Combs contract was signed, although in an article published in the *Mountain*

Democrat on Feb. 5, 2016, Ciccozzi said that a more recent CalPERS document "does not require that the employment requirements of a retired annuitant include a specific end date or that the appointment be during an open recruitment." In that letter to CalPERS just three weeks later, he admits that a recruitment must be ongoing. In his March 1 letter, Ciccozzi spends four pages describing how a recruitment was ongoing since November 2014 that was also evidenced by the former CAO Terry Daly's transition agreement and release of claims. Ciccozzi then describes meetings discussing EDC's plans to hire a new CAO, researching executive search teams and BOS discussions about "recruiting" a new permanent CAO.

Ciccozzi claims to CalPERS that all of these machinations of internal discussions and talking to search firms satisfies the requirement of a recruitment as per Section 21221 (h). Funny, when just three weeks before Ciccozzi said in the newspaper that having a recruitment ongoing before hiring a retired annuitant as an interim CAO wasn't the law. Some lawyer.

But Ciccozzi has another impediment in the form of the published El Dorado County Personnel Rules adopted on May 7, 2013, by Resolution 048-2013 and revised as of March 4, 2014, by Resolution 015-2014. This revised resolution, which has the force of law, is titled of all things "recruitment" and defines what recruitment is and what is required for the county to do a recruitment and it isn't anything like what Ciccozzi claims was an EDC recruitment which was nothing more than a series of meetings and a bunch of talk. In fact, a recruitment firm wasn't even hired by EDC until six months after Combs was hired. Even more interesting is that the eventual new CAO came from in house, Don Ashton, who was EDC's head of Health and Human Services. All that talk from Ciccozzi was nothing more than bovine.

According to the law in EDC, to have a valid recruitment, "The Human Resources Department shall make public announcements of all recruitments. … All recruitment announcements will be

posted on the county's website and other appropriate locations…." The resolution goes on to describe what the announcements shall include. None of that was done for at least six months after Combs contract was executed and he started work. According to our own county laws, Ciccozzi's description of a recruitment wasn't according to the laws of his own employer and Ciccozzi's ignorance of the law, especially EDC rules, regulations and laws is not an excuse.

County counsel's attempt to bull his way through this problem (as in a China shop) should not work and the responsibility falls directly on the county counsel for not knowing and following the law that more than likely was written and reviewed by guess who? That's[lw1] right, county counsel. The result of this failure is a potential huge liability for EDC and hopefully a windfall for CalPERS which has nearly a trillion dollars of unfunded liability as it can recover from Combs the $200,000 they paid him during his EDC employment as pension benefits because the contract did not conform to state and county law making him a double dipper and CalPERS can demand he return his pension benefits because of his double dipping. On top of that CalPERS can also demand pension benefits be paid by EDC on the salary they paid Combs as well (about another $30,000). Want more salt, we pay this county counsel over $196,000 a year plus benefits and retirement which totaled more than$54,000 for 2015. This year (2016) it will be higher.

But there are more potential mistakes made by Ciccozzi and that goes back to a BOS meeting that occurred on Nov. 17, 2015, and involves his flawed analysis of the Walker v. San Clemente case regarding EDC's compliance with the Mitigation Fee Act. More to come.

Larry Weitzman is a resident of Rescue.

Letter: Memorial forest felled for Hwy. 28 rerouting

To the community,

A Penny Pine Memorial Tree Plantation which once existed within the 64-acre recreational area in Tahoe City has been devastated forever. Close to 100 garden clubs throughout Northern and Central California planted a Penny Pine Tree Plantation in conjunction with the National Forest Lands – Lake Tahoe Basin Management Unit in memory of over 120 individuals including remembrance of the New York City firefighters and police who lost their lives on 9/11.



The planned devastation of the memorial forest for the construction of the Highway 89 bypass highway through 64 acres was never disclosed during public meetings held by the Tahoe Transportation District. It was not until members of the community brought the planned devastation to the attention of the Tahoe Transportation District that the devastation was even acknowledged. At minimal concern at best.

The community didn't stop there; the request for involvement to preserve or relocate the memorial forest was brought to the attention of the Central Federal Lands Highway Division,

Placer County Board of Supervisors, TRPA, Tahoe City PUD, Assemblyman Brian Dahle, Rep. Tom McClintock, California Tahoe Conservancy, Caltrans, U.S. Forest Service, Washoe Tribe and Sen. Dianne Feinstein. Members of the community were extremely disappointed in the lack of involvement on the part of Sen. Feinstein based on her authorization on the Lake Tahoe Restoration Act which proudly acknowledges her stats on restoring fire roads back to the natural environment when the Highway 89 Bypass Project removes a natural forest to construct a highway.

After contacting several of the garden clubs, the following letter was submitted on May 25, 2015, to gain further attention: “My name is Bertina Marcelo. I am currently the president of the South San Francisco Woman’s Club. It has been devastating for our members and representatives to learn about the project of taking down our pines to build a highway. The pines where planted through the organization Penny Pines and represent our deceased members. Our members are very upset that your organization feels that it is more important to build a highway then to respect the conservation of the pines that were planted in memory of our members. We are totally against this highway going up and destroying our 64 acres of beautiful pines that were donated by members and planted with so much love and care. We wish that you come up with a better plan then going through our Plantation of Pines. If you have any questions, feel free to contact me. Sincerely, Bertina Marcelo, president.”

No formal response was ever provided. The Tahoe Transportation District stated that since there were no individual plaques installed on the trees they weren’t sure which trees to save.

After reading the article in the Dec. 7, 2016, *Sierra Sun* titled Tree removal set for the Fanny Bridge Project, the noted locations for tree removal included: trees along Highway 89 heading into Tahoe City from Truckee near the Caltrans

yard, the Tahoe City Y and area south of Fanny Bridge along West Lake Boulevard. All of the areas but where the trees were actually removed from. When visiting the project site for the Highway 89 Highway Bypass Project, covered up under the name Fanny Bridge Project, it was determined that all of the Penny Pine memorial trees were devastated for the new quarter mile on highway for $25 million within 64 acres between the Caltrans yard and West Lake Boulevard. All that remains of the memorial is the sign.

Similar to promises made by Placer County that the $12 million transit center will serve as a “park and ride” facility to reduce traffic congestion at the Tahoe City Y, it still remains to be proven four years after operation if the “park and ride” facility will ever function as promised. On the infrequent days of heavy traffic, the bypass highway through 64 acres will have no effect on the traffic through the main downtown business district. Use of the personal automobile will be encouraged based on the expanded highway system.

I would like to thank all of the many community members, business owners, Friends of the West Shore, Sierra Club and the League to Save Lake Tahoe who supported my efforts to minimize the impact of this truly unnecessary section of highway through 64 acres.

Hopefully this letter will spark interest within the community to require the project partners to replant the memorial trees. It’s heart breaking to see a field of stumps which just a week ago was a plantation of memorial Penny Pine trees on forest land with no acknowledgment to the letter written by the South San Francisco Women’s Club.

Jim Sajdak, Tahoe City

Letter: Putting angst into action

To the community,

She wasn’t crying, but she wasn’t exactly not crying, either. We were about to get an early season storm, a typical hot-to-cold pattern, and I had been looking out the window waiting on rain to become snow.

My wife had gone to the grocery store, and I wanted to know what had upset the hot chocolate run.

An elderly homeless couple had been rummaging through a dumpster in the parking lot. They were literally freezing, threadbare clothes wet and icing over. As my wife approached, the couple, conditioned for mistreatment, protested that they weren’t hurting or bothering anyone; they were just looking for anything they could use to keep warm. She offered them the little she had in her wallet and wished them luck facing the storm. As she walked away, they were crying.

That incident, from late fall of 2013, is why I decided I wanted to help those forming the warm room. I didn’t want to be at home drinking hot chocolate, excited about plunging mercury and snowflakes, while others were desperately searching for discards that they could use to stay warm.

Scott Weavil, South Lake Tahoe

Opinion: Farewell, fair Senate

Publisher's note: ***This column is from the Dec. 8, 2016, New York Times.***

By Harry Reid

In my time in the Senate, I've served with 281 senators. I've rarely given advice unless asked. But since I am leaving the Senate floor for the final time, I have a few things to say.

To Republicans, I say recognize the difference between campaigning and governing, and beware of knee-jerk opposition to the accomplishments of the Obama era.

Despite the fact that your nominee lost the popular vote by nearly three million votes, your leaders have announced their intention to repeal the Affordable Care Act early in the next Congress, with no replacement. This is a dramatic misreading of your mandate. It will lead you into a quagmire that will cause pain for millions of Americans and bedevil you for the next four years.

To Democrats, I say it has never been more important to stand up for the things we believe in. We are entering a new Gilded Age. Next year, a billionaire president who just settled a fraud suit for $25 million over his business exploits will be pushing tax cuts for the top 1 percent, supposedly in the name of populism.

Read the whole story

Opinion: What do birds hear when they sing?

By Barbara J. King, NPR

Birdsong is music to human ears.

It has inspired famous composers. For the rest of us, it may uplift the spirit and improve attention or simply be a source of delight, fun and learning.

But have you ever wondered what birds themselves hear when they sing?

After all, we know that other animals' perceptions don't always match ours. Anyone who lives with a dog has probably experienced their incredible acute hearing and smell.

Do birds hear their songs as we do?

Read the whole story

Editorial: The hard lessons of Pearl Harbor

Publisher's note: ***This editorial is from the Dec. 2, 2016, Chicago Tribune.***

Leroy Barber grew up in rural New London, Wis., hunting and fishing with two of his brothers. He enlisted in the Navy,

trained at the Great Lakes facility north of Chicago and was assigned to a battleship. Barber enjoyed being a sailor, missed his brothers and advised them to join up. The Navy made an exception to its rule against putting family members on one boat – a decision their father sought to reverse – but America was not at war, and Hawaii was about as far from Europe's fighting as you could get.

That's how the Barber boys, Malcolm, 22, Leroy, 21 and Randolph, 19, came to serve together as firemen on the USS Oklahoma. And that is how they died: together, on the morning of Dec. 7, 1941 – 75 years ago today – when the Japanese attacked Pearl Harbor and drew America into World War II.

Read the whole story

Opinion: Will Calif. ever let Sierra forests burn?

By Andrew C. Revkin, New York Times

In this centennial year of the National Park System, it's been encouraging to see management of the western components of this remarkable ecological patrimony shifting ever so slowly toward incorporating knowledge of natural cycles of fire in maintaining forest health. For forests in California's Sierra Nevada, particularly, a dangerous and ecologically disruptive "fire deficit" has been built through generations of land policies fixated on fire suppression.

In early June, I was fortunate to see an all-too-rare prescribed burn while spending several days in Kings Canyon National Park.

The problem?

It took 13 years to carry out this one 760-acre planned fire. The state’s stringent air quality rules add vast regulatory obligations to planned a managed fire but don’t apply if the same area ends up burning on its own – as would be inevitable.

Read the whole story